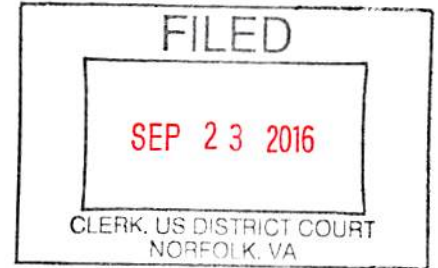


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



JOE LEE FULGHAM, #170034,

Petitioner,

v.

ACTION NOS. 2:16cv1 (Lead Case),
2:15cv502 & 2:16cv21

JACK BARBER, M.D.,
Interim Commissioner, Virginia Department of
Behavioral Health and Development Services,

Respondent.

FINAL ORDER

Pro se Petitioner Joe Lee Fulgham, a resident of the Virginia Center for Behavioral Rehabilitation, has filed multiple actions seeking habeas relief under 28 U.S.C. § 2254 (Nos. 2:15cv502, 2:16cv1, and 2:16cv21). Mr. Fulgham's petitions appear to challenge his involuntary civil commitment as a sexually violent predator ("SVP") under Virginia Code § 37.2-900.

The matters were referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation filed August 18, 2016 recommends consolidation and dismissal of all three habeas actions. Specifically, the Report found that Mr. Fulgham's claims are either time-barred or procedurally defaulted, because he failed to present the claims to the Supreme Court of Virginia for review.

Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The court has received five separate, but identical, sets of documents which have been construed as Objections to the Report and Recommendation

from Petitioner. (2:16cv1, ECF Nos. 81-85; 2:2:16cv21, ECF Nos. 34-38; 2:15cv502, ECF Nos. 39-43). Respondent has filed no response, and the time for responding has now expired.

This Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed August 18, 2016. It is ORDERED that Case Nos. 2:15cv502, 2:16cv1, and 2:16cv21 be CONSOLIDATED, Respondent's Motion to Dismiss be GRANTED, and the Petitioner's petition be DENIED and DISMISSED with prejudice.

Petitioner is hereby notified that he may appeal from the Judgment entered pursuant to this Final Order by filing a written Notice of Appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such Judgment.

Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right. Therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 123 S. Ct. 1029, 1039 (2003).

The Clerk is directed to please mail a copy of this Final Order to Mr. Fulgham and provide an electronic copy of the Final Order to counsel of record for Respondent.



Arenda L. Wright Allen
United States District Judge

Norfolk, Virginia

Sept 23, 2016